

**REPORT - PLANNING COMMISSION MEETING
February 12, 2004**

Project Name and Number: CAROL COMMONS (PLN2003-00018)

Applicant: Philip Ta

Proposal: To consider a Preliminary & Precise Planned District for a 20-unit condominium development.

Recommended Action: Recommend to City Council

Location: 41482 Fremont Boulevard in the Irvington Planning Area

APN: 525 060501402

Area: 0.99 acres

Owner: Henry Ly

Agent of Applicant: Roger Shanks, Project Manager, Bunton Clifford Associates, Inc.

Environmental Review: A Mitigated Negative Declaration has been adopted as part of the General Plan Amendment.

Existing General Plan: Medium Density Residential, 18-23 units per acre

Existing Zoning: R-G-29 (Garden Apartment Residence District)

Existing Land Use: Undeveloped property

Public Hearing Notice: Public hearing notification is applicable. 175 notices were mailed to owners and occupants of property within a minimum radius of 300 feet from the site on the following streets: Patton Terrace, Millennium Terrace, Hooper Street, Roberts Avenue, Bonito Drive, Carol Avenue, Scammon Court, Paul Terrace, Adams Avenue, Penny Terrace, Allyson Terrace. The notices to owners and occupants were mailed on March 30th, 2004. A Public Hearing Notice was delivered to The Argus newspaper on March 25th, 2004 to be published by March 29th.

Executive Summary: The applicant proposes a rezoning to a Preliminary and Precise Planned District (P-2003-00018) to allow the construction of twenty for sale condominium style units on a 0.99-acre site.

Background and Previous Actions: On March 27, 2003, the Planning Commission voted to recommend the proposed General Plan Amendment (6-0-0-1-0) of a General Plan Amendment to change the land use designation Medium Density Residential (15-18) dwelling units per acre to Medium Density Residential (18-23) dwelling units per acre on a 0.99-acre site. On May 13, 2003, the City Council voted unanimously to approve the General Plan Amendment.

Aerial photographs indicate the first use of the site as a small farmsite with residences and an agricultural orchard dating from 1939. The site also contained a small, service station (extant circa the 1950's and 1960's). The buildings were demolished in 1998, leaving the site vacant to present day.

The project site is in an existing neighborhood that is primarily a mix of single-family homes, townhomes, condominiums and apartment complexes. Directly adjacent to the site is a single family home which is zoned R-G-29 and the density is Medium Density Residential (15-18 dwelling units, per acre).

Project Description: The applicant is requesting approval of a Preliminary and Precise District for the development of 20 condominiums in one main residential building. The proposed units are to be developed with four different floor plans:

- Unit Type 1 – 2,035 SF, 3 bedrooms, 3 ½ baths, 3 stories, 12 units.
- Unit Type 2 – 2,316 SF, 4 bedrooms, 3 ½ baths, 3 stories, 1 unit.
- Unit Type 3 – 2,433 SF, 4 bedrooms, 3 ½ baths, 3 stories, 3 units.
- Unit Type 4 – 1,468 SF, 2 bedrooms, 2 ½ baths, 2 stories, 4 units.

To help reinforce the 'sense of community' with the surrounding neighborhood, the majority of the units are oriented to both Fremont Boulevard and Carol Avenue. Those that do not front Fremont Boulevard or Carol Avenue front an interior-walking path and an adjacent condominium project. Front patio areas are designed for all units to help foster connectivity within the development and the surrounding community. The Type 1 units each have a private rear yard in addition to the front patio. The remaining units have small balconies on the second floor.

The project includes one drive entry (Private Vehicular Access Way) off of Carol Avenue and pedestrian connections off of both Fremont Boulevard and Carol Avenue. The proposed design elements include podium and at-grade parking, raised planters, attractive front yard landscaping, and a corner landscape treatment. A podium level style development is proposed to be approximately four feet above ground. The podium accommodates 40 parking spaces for residents (2 covered spaces per unit) while also providing 10 at-grade guest parking spaces in a parking lot. The use of this podium design helps achieve an increase in building density while providing adequate private and public open space for the residents. Building elements include horizontal siding, smooth cement plaster, decorative attic vents, wood trellises and decorative brackets.

A Preliminary Grading Plan and Tentative Tract Map to be reviewed by the Planning Commission, will be required after approval of the Planned District. The Preliminary Grading Plan found in the packets is for information only.

General Plan Conformance: The existing General Plan land use designation for the project site is Medium Density residential, 18-23 units per acre. Based upon the above land use designation, the development potential for the project site is as follows:

Step 1:	0.99 acres	x	18 units/acre	=	18 dwelling units
Step 2:	0.99 acres	x	21 units/acre	=	21 dwelling units
Step 3:	0.99 acres	x	23 units/acre	=	23 dwelling units

The applicant's request to construct 20 dwelling units on the project site is over Step 1 density but below Step 2 density (or midpoint). The proposed project was considered complete prior to July 1, 2003 and is not required to meet the midpoint density of the range. (Please note that although the project was deemed complete the project went through several changes in recent months). Staff believes the proposed use and design, as conditioned, is consistent with the General Plan designation, because the project meets General Plan Housing and Land Use Goals and Policies as follows:

Goal H1: Conservation and enhancement of existing residential neighborhoods.

Goal H2: High quality and well-designed new housing of all types throughout the city.

Analysis: The proposed Preliminary and Precise Planned District is compatible with these two housing goals. The proposed land use has the potential to enhance the existing residential community by providing a well-designed residential building, parking and landscaping. The project implements this goal in that the site plan and

building design demonstrate that a twenty unit condominium community can be developed on the project site in a manner that provides sufficient setbacks, parking and circulation, open space and landscaping. The proposed design will enhance the pedestrian orientation and character of the existing neighborhood. The proposal's careful siting and landscape design helps create a dynamic street pattern as two street facades are created. Primarily building entries, porch areas and fenestration address the street, encourage pedestrian access, and provide "eyes on the street" which will add an element of safety to the existing neighborhood. The proposed Planned District will also result in a podium style development with the majority of parking and circulation located below the main structure, thereby creating greater open space for the project than would be created with a lower density development. This project would be of a high quality design and construction, and would meet these goals.

Goal H3: Housing affordable and appropriate for a variety of Fremont households at all economic levels throughout the City.

Analysis: The project implements this goal in that the proposed development would allow for the construction of 3 affordable housing units. Units 5, 6, and 15 are proposed affordable units, each measuring 1,468 SF in size accommodating 2 bedrooms and 2 ½ baths. These units are two stories in height and have a large 208 SF front porch area.

Land Use Policy LU 1.11: The proposed project is compatible with this land use policy, which states, "Appropriate transitions shall be encouraged between higher density residential areas and lower density residential areas. Transition can be composed of streets, setbacks, open space, landscape and site treatments, building design and/or other techniques."

Analysis: The proposed project design and the density of the site will result in a more consistent density for the entire area and thus mitigate the General Plan concern that there be provision made for transition between areas of differing residential densities. The surrounding land uses are as follows: 15-18 units/acre to the north and east, 11-15 units / acre and 5-7 units/acre to the south; and 18-23 units/acre to the west. The single family dwelling unit directly adjacent to the proposed site is zoned R-G-29 and the density designation is Medium Density Residential (15-18 dwelling units per acre). The building is proposed to be located approximately 60 feet from the easterly property line, thereby reducing the potential impact on the adjacent single-family unit.

Land Use Policy LU 1.23, and 1.24: The proposed project is compatible with these land use policies which state, "A variety of unit types and sizes shall be encouraged within each multi-family project" (LU 1.23) , "Multi-family housing shall be designed to accommodate the needs of families and children (LU 1.24)".

Analysis: Staff concurs with the applicant's assertion that the proposed Planned District has the potential to meet or implement the General Plan policies for multi-family residential development. The project is designed to have front facades oriented to Carol Avenue and Fremont Boulevard and the adjacent property to the north. The building is proposed to be located approximately 60 feet from the easterly property line, thereby reducing the potential impact on the adjacent single-family unit. The project is being designed to accommodate 12 three-bedroom, 4 four-bedroom and 4 two-bedroom units. In addition, the podium level provides greater opportunity to design active and sufficient open space for residents. Each dwelling unit will also be provided with a private patio area for the use of the residents.

- **Zoning Regulations:** The proposed project is a rezoning from R-G-29 to a Precise Planned District (P-2003-00018). As previously discussed, the proposed Planned District is consistent with the existing General Plan density of 18-23 units per acre and with General Plan goals and policies. The Zoning Ordinance provides standards for area, coverage, density, yard requirements, parking and screening for Planned District uses shall be governed by the standards of the residential, commercial or industrial zoning districts most similar in nature and function of the proposed P District use(s) as determined by the applicable ordinances and law of the city. Exceptions to these standards by the Planning Commission and City Council are possible when the bodies find that such exceptions encourage a desirable living environment and are warranted in terms of the total proposed development or result thereof. Although the applicant proposes a Planned District, the R-G zoning development criteria is considered in evaluating the proposed project for

general conformity with City standards because this project was proposed prior to the adoption of the newer R-3 zoning standards.

The applicant is requesting modifications from the Fremont Municipal Code (FMC) and Council-adopted Development Policies in terms of siting requirements and setbacks (Sec. 8-2805). Staff believes that the current site, architecture, grading, and landscape plans have adequately addressed staff comments and concerns; that effective conditions of approval have been incorporated to resolve any remaining, outstanding issues; and that the project, as conditioned, merits all proposed deviations from the Fremont Municipal Code.

The proposal is consistent with the height regulations contained in the R-G district, with principal structures a maximum of 45 feet (midpoint) and accessory structures not exceeding 12 feet (midpoint). The 3 story residential structure is proposed at 41'-2" in height (to roofline). The proposed project meets the total open space requirement of 50% in that the project proposes a total of 50 % of open space. The proposed project meets the requirement for minimum size of private open space.

The proposed design does not meet the front yard and street side yard setbacks. Specifically in building type 1 units 12, 13, 14, 17, 18 and 19, which face Carol Avenue are setback approximately 22'-10" from the street right-of-way line. The FMC requires a 25' setback adjacent to a public street; however, minor encroachments may be allowed to within 12'-6". In Building type 2, the second floor bathrooms project 3'-7" into the twenty-five foot front yard setback and a portion of bedroom 2 and a portion of the bathroom in bedroom one project 3'-7" into the twenty five foot front yard setback. Staff believes these deviations from the Fremont Municipal Code are minor and are appropriate for this location as it allows for the buildings to be located closer to the street, encouraging a desirable housing environment and creates connectivity with the neighborhood and enhances the existing community character and pattern of development.

- **Planned District Justification and Analysis:** The applicant is proposing the Planned District zoning in order to allow the development of the site at a density that is over Step 1 by 2 units. Section 8-21810 of the FMC states that such increases in density shall only be allowed when a proposed project contains certain amenities that the Planning Commission and City Council find to be in excess of those required for standard development. The amenities proposed with this project as justification for the Planned District rezoning and higher density, in accordance with Section 8-21811(e) of the FMC, are:

- Overall high quality architecture, landscaping, and hardscaping are proposed.
- A podium style development, which yields units with sizeable patio areas at the front of the units, consequently providing residents with the opportunity to interact with neighbors, both within the project and from the surrounding community.
- Section 8-21811(d) of the FMC further states:

"Standards for area, coverage, density, yard requirements, parking and screening for P district use(s) shall be governed by the standard of the residential, commercial or industrial zoning district(s) most similar in nature and function to the proposed P district, as determined by applicable ordinances and laws of the City [i.e. R-G – Garden Apartment Residence]. Exceptions to these standards by the planning commission and the city council are possible when these bodies find that such exceptions encourage a desirable living environment and are warranted in terms of the total proposed development or unit thereof."

Based on the above justifications, as well as the below analysis of required findings, staff believes that the proposed project merits rezoning to Planned District to allow the proposed density level, as well as the variations to the standard R-G zoning requirements for siting and setbacks.

An overview of the required Planned District Findings (per FMC Sec. 8-21813) and staff comments are provided below for Planning Commission review. These findings are further incorporated into the Findings and Conditions of Approval (Exhibit "C") for the project. Findings are as follows:

- (a) The proposed "P" district, or a given unit thereof, can be substantially completed within four years of the establishment of the "P" district.

Staff Comment: The project can be completed within this period of time.

- (b) Each individual unit of development, as well as the total development can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that such objective will be attained; that the uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which could not be achieved under another zoning district.

Staff Comment: The proposed residential land use is consistent with the General Plan designation. The applicant has incorporated many features including significant landscaping and hardscaping designs, high quality design and construction for the residential units, and an affordable housing component. Staff believes that the project will have a beneficial effect that could not be achieved under the standard R-G zoning district.

- (c) The streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic, and increased densities will not generate traffic in such amounts as to overload the street network outside the "P" district.

Staff Comment: The increased traffic from twenty residential units was determined by the City's Traffic Division staff not to be a substantial increase for Carol Avenue or Fremont Boulevard. The City is currently planning to install complete street improvements along the Fremont project frontage while the applicant will be responsible for the Carol Avenue project frontage. Overall traffic flow and circulation should be improved.

- (d) Any proposed commercial development can be justified at the locations proposed to provide for adequate commercial facilities of the types proposed.

Staff Comment: The proposed project is a residential project, and this finding is not applicable.

- (e) Any exception from standard ordinance requirements is warranted by the design and amenities incorporated in the precise site plan, in accord with adopted policy of the Planning Commission and City Council.

Staff Comment: Through the Planned District process, the applicant is requesting approval of modifications to the Zoning Ordinance. As discussed previously, the applicant has incorporated many features that warrant an exception to the standard ordinance requirements.

- (f) The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development.

Staff Comment: The area surrounding the development is fully developed or could be developed in substantial compatibility with the proposed project.

- (g) The "P" district is in conformance with the General Plan.

Staff Comment: The project conforms to the General Plan density, as well as the goals and policies of the Land Use and Housing Chapters. This finding can be made.

- (h) That existing or proposed utility services are adequate for the population densities proposed.

Staff Comment: The site is well served by utilities. None of the responsible utility companies have stated they will be unable to provide the required services to the site.

- **Architecture:** According to the applicant, the proposed condominium development is designed in a "Craftsman" architectural style, which will help reduce the scale of the condos by pushing and pulling the forms to create a unique residential design. This architectural style was chosen since it provides opportunities for variation in roof planes, setbacks and detailing. The use of such variations tends to allow the structure to blend with and enhance the residential character of the immediate area and that found in Irvington District.

The exterior is a combination of stucco finishes in an 'Antique Olive' color and 'Balsa Beige' colored siding with raised wooden trim at the windows and doors painted a 'Spanish Spice' color. The trim color is compatible with the proposed exterior building colors as well as the proposed 'Bark Brown' colored composite roof shingles.

The overall forms of the structures include detailing and articulation, which will provide variety from all angles while also breaking up the massing of the structures. The units have been designed with a variety of wall planes on the front elevation, which will break-up the appearance of a single large structure. The front façade is further enhanced with the use of wood trellises over the first floor patio, which will further reduce the vertical scale of the building. Various conditions of approval have been included to ensure that all architectural details are compatible and consistent, including that a simpler garage door be chosen that will be appropriate to the architectural style of the building.

- **Open Space/Landscaping:** There are no existing trees on this property. The applicant has proposed 50 percent open space, including patios and balconies, which is the standard 50 percent requirement of Section 8-2805(e) of the R-G zone of the FMC.

Staff has worked with the applicant to refine the overall landscaping planting plan to its current form. Concepts include:

- The applicant is proposing to plant eleven 24" box *Platanus Acenfolice* "Bloodgood" Sycamores along Fremont Boulevard, Carol Avenue and alongside the rear property line for effective screening.
 - Podium level plant boxes are proposed for each individual unit, which will contain either a 24" box of Eastern Redbuds, Flowering Plums or Crape Myrtles, a variety of shrubs, vines and groundcovers.
 - Three 24" box 'Dawyck Beech' trees and groundcovers are proposed as a landscaping treatment at the corner of Fremont Boulevard and Carol Avenue.
 - Cobblestone style pavers are proposed as a hardscape feature along with attractive path lighting.
- **Parking:** Section 8-22003(2) of the FMC requires two parking spaces per unit for multi-family projects; one covered space, plus 0.5 uncovered for residents, and 0.5 uncovered for guests. The applicant is providing sufficient parking. Two covered podium style spaces and 0.5 uncovered at-grade parking space for guests.

Circulation/Access Analysis: The project site is located on the northeast corner of Fremont Boulevard and Carol Avenue. A driveway on the eastern side of the Carol Avenue frontage provides vehicular access to the project. The surface drive aisle and parking shall be a Private Vehicle Access Way (PVAW). Covered parking for the residents is provided in a partially subterranean garage structure (podium) under the residential units. A vehicle ramp is provided into this garage, off of the Private Vehicle Access Way. Pedestrian access to and from

the units is provided by walkways that connect to the public sidewalk on Fremont Boulevard and on Carol Avenue.

On site vehicle circulation is provided by a Private Vehicle Access Way (PVAW), a type of private street used for condominium and townhouse projects. Article 21.3 of the Zoning Ordinance, Special Provisions Applying to Miscellaneous Uses, requires all condominium projects conform to the provisions of Article 20 (parking code) and the development policy for Private Vehicle Access Ways (FMC 8-22135(3)(a)). Due to the design of the project and size/shape of the project site, the following parking code and PVAW standards are not being met with this project:

- FMC Sec. 8-22009(j): Ingress and egress across public right-of-way shall be made possible without the necessity of backing over the same except for property devoted exclusively for one- and two-family dwellings located on individual lots.

Analysis: The shape of the project site and the design of the building restrict the amount of available area for a vehicle turn around. Though no vehicle turn around is provided, there are some options for passenger vehicles. Passenger vehicles that enter the site could use an open parking space to accommodate a turn around maneuver. If no open parking space is available, passenger vehicles could use the ramp to the garage and perform a multi-point turning maneuver. Service vehicles, on the other hand, will not be able to turn around on site. The garbage and recycling service truck will likely be the vehicle that most often enters the site and is forced to backup into Carol Avenue over the public sidewalk and driveway. The applicant is requesting a variance to this code requirement as part of the Planned District rezoning application.

- PVAW Policy #15: A walkway connection is to be provided from the private vehicle access ways to the main pedestrian pathway system. A 3.5 foot sidewalk shall be provided on both sides of the private vehicle access way.

Analysis: The size of the project site and the design of the building is not typical of condominium and townhouse projects recently developed in Fremont. Each condominium unit has a front door that is separate from the vehicle parking area and the underground parking. Pedestrian connections are provided from the front porches to either the on site or public sidewalk, thereby reducing the need of providing a sidewalk along the PVAW. The applicant is requesting deviation from the PVAW policy for these three units as part of the Planned District rezoning application.

Street Improvements: The project site is a corner lot with unimproved street frontage on both Fremont Boulevard and Carol Avenue. Fremont Boulevard is a major four-lane thoroughfare, whereas Carol Avenue is a residential collector street. In accordance with the Street Right-of-Way and Improvement Ordinance, the project is required to dedicate right-of-way and install complete street improvements along the project frontage.

A multi-phase public works project, City Project No. 8397(PWC) – Fremont Boulevard Widening – Irvington Avenue to Blacow Road, is currently underway. On January 13, 2004, City Council awarded the construction contract for the final phase of this public works project, which includes widening of Fremont Boulevard, installation of curb, gutter, and sidewalk. At this location, Fremont Boulevard will have two traffic lanes in each direction, a left-turn pocket with raised median, and bike lanes on each side. If the City's project proceeds as scheduled, the Fremont Boulevard improvements should be completed by August 2004.

- Fremont Boulevard: Right-of-way, including a public utility easement, has already been acquired as part of City Project No. 8397(PWC). Street improvements are scheduled as part of the public works project. Other than utility connections specific to the project, there should be no other necessary street improvements.
- Carol Avenue: An approximately five-foot wide right-of-way dedication is required along the project frontage along with dedication of a minimum six-foot wide public service easement (PSE). Street

improvements shall include installation of pavement, curb, gutter, landscaping, sidewalk, a storm drain system, and a driveway for the project.

- **Off-site Drainage Improvement:** The City has identified a drainage problem on Carol Avenue approximately sixty feet east of the project site. The drainage problem is due to several factors, the foremost being that there is no underground storm drain system in this stretch of Carol Avenue and the existing curb and gutter drains towards unimproved frontage on both the project site and the neighboring site to the east. As a condition of Planned District approval, the developer shall install a curb inlet, manhole, and storm drainpipe to help alleviate the current drainage problem. The cost for the off-site drainage improvement may be used as a credit towards the required off-site amenity fees.

Grading / Topography: The project site is currently vacant, with the exception of some chain link fence around the perimeter and a small fenced enclosure near the center of the site. The fenced enclosure was part of a water quality monitoring program. Grading for the project will primarily consist of excavation for the partially subterranean parking structure. Additionally, fill will be needed to build up the porches and entries of the units, which are elevated above the public sidewalk. A preliminary grading plan application shall be submitted for Planning Commission review along with the tentative tract map application.

Drainage: The project site, including the street frontage, is currently unimproved. On site and street runoff will be routed to an existing storm drainpipe in Fremont Boulevard. The proposed on site storm drain system consists of a grassy-swales with field inlets and underground storm drainpipe. Roof downspouts shall be disconnected so that storm water is directed through landscaped areas before entering the underground system. Off-site drainage improvements are required in Carol Avenue. See Street Improvement analysis for more information.

Urban Runoff Clean Water Program: The Federal Clean Water Act of 1972 and Water Quality Act (1987) require localities throughout the nation to obtain a National Pollutant Discharge Elimination System permit (NPDES) in order to discharge storm water into public waterways such as creeks, rivers, channels and bays. The applicant will comply with the City's Urban Runoff Clean Water Program in accordance with the NPDES requirements issued by the State's Water Quality Control Board.

- **Bio-swale Detail:** The project civil engineer has proposed a bio-swale (grassy swale) as part of the on site storm water pollution prevention. The project landscape architect has proposed planting three Sycamore trees within the bio-swale on the eastern boundary. Staff is concerned that the proposed bio-swale will not function as proposed with the introduction of trees, especially as the trees mature. Staff has added a condition of approval requiring more detail be provided regarding the bio-swale and proposed landscape plan. This additional information shall be provided with the required preliminary grading plan application.

FEMA Flood Zone: The project site is not within a special flood hazard area, as designated by FEMA on the National Flood Insurance Program, Flood Insurance Rate Map. Though the site is not in a hazard area, the storm water runoff from the site flows into Laguna Creek, which has been identified as a special flood hazard area, or areas where 100-year flooding may occur. The storm drain system for this project will be designed so as to not increase peak flows in the Irvington area. The required preliminary grading plan application shall include information from the project civil engineer demonstrating compliance with this requirement.

Applicable Fees:

- **Development Impact Fees:** The project will be subject to Citywide Development Impact Fees. These fees may include fees for fire protection, park dedication-in-lieu, park facilities, capital facilities and traffic impact. These fees shall be calculated at the fee rates in effect at the time of building permit issuance.
- **Planned District Amenity Fees:** Planned District amenity fees would normally be applicable to this project for the two units above Step 1 density. Total amenity fees for this project calculate to \$16,800 (\$8,400 X 2

units). The off-site amenity fee will be applied towards remedying the drainage problems on Carol Avenue and the on-site amenity fee will be applied towards enhancing the proposed landscaping.

Recycling & Waste Management: This project involves residential construction and shall be subject to the provisions of the California Integrated Waste Management Act of 1989 (AB939). The Act requires that 50% of the waste generated in the City of Fremont be diverted from landfill sites by the year 2000. Additionally, the project is subject to the City's Source Reduction and Recycling Element (1992), an Integrated Waste Management Ordinance (1995), and a Commercial/Industrial Recycling Plan (1997). These documents require that any new project for which a building permit application is submitted to include adequate, accessible, and convenient areas for collecting and loading trash and recyclable materials. The applicant is proposing one large trash and recycling area for the development located off the main access drive at the northeastern portion of the site.

Environmental Analysis: On May 13, 2003, City Council approved the General Plan Amendment and Mitigated Negative Declaration as recommended by the Planning Commission on March 27th, 2003. The Mitigated Negative Declaration included mitigation measures, which, if implemented, would reduce the identified impacts to non-significant levels. These mitigation measures have been included as conditions of approval for this project and have been applied to the plans.

Response from Agencies and Organizations: No outside response or comment had been received at the time of publication of this report.

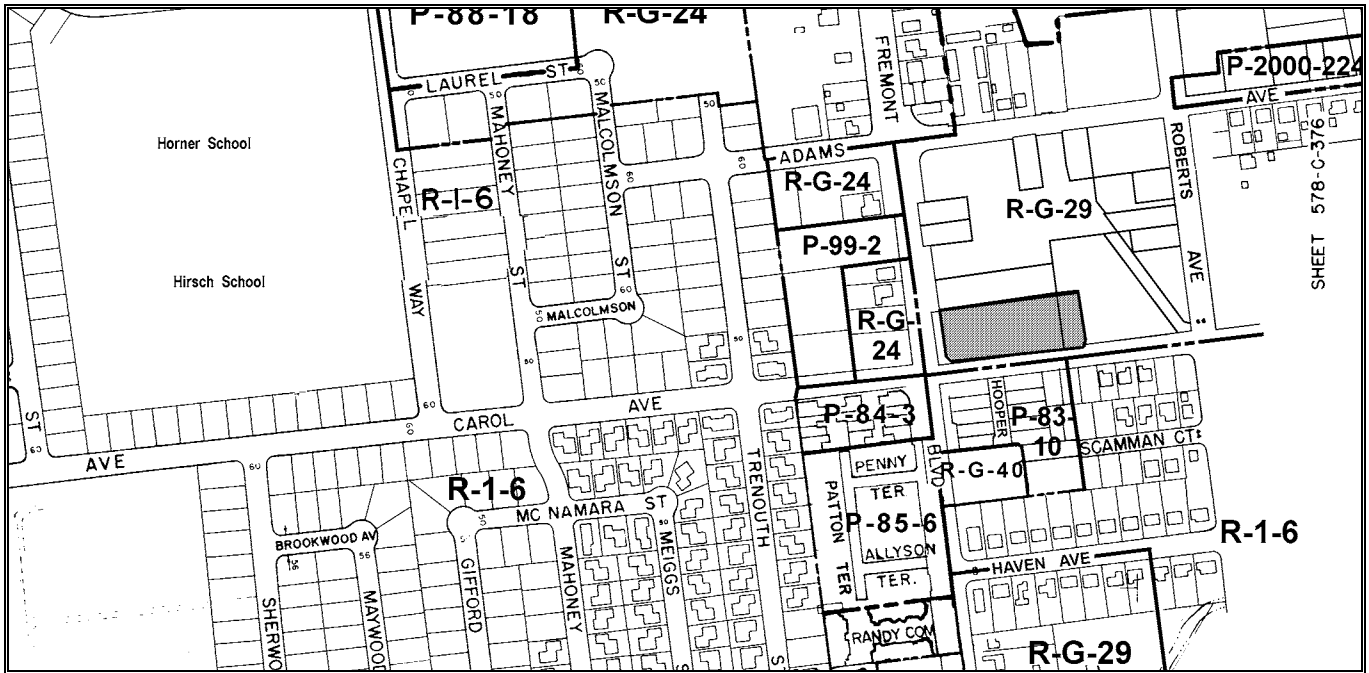
Enclosures:	Exhibit "A"	Site, Architecture, and Landscape Plans
	Exhibit "B"	Rezoning
	Exhibit "C"	Planned District Findings and Conditions of Approval
	Informational	Planned District Justification Statement

Exhibits:	Exhibit "A"	Site, Architecture, and Landscape Plans
	Exhibit "B"	Rezoning
	Exhibit "C"	Planned District Findings and Conditions of Approval
	Exhibit "D"	Color and Material Sample Board

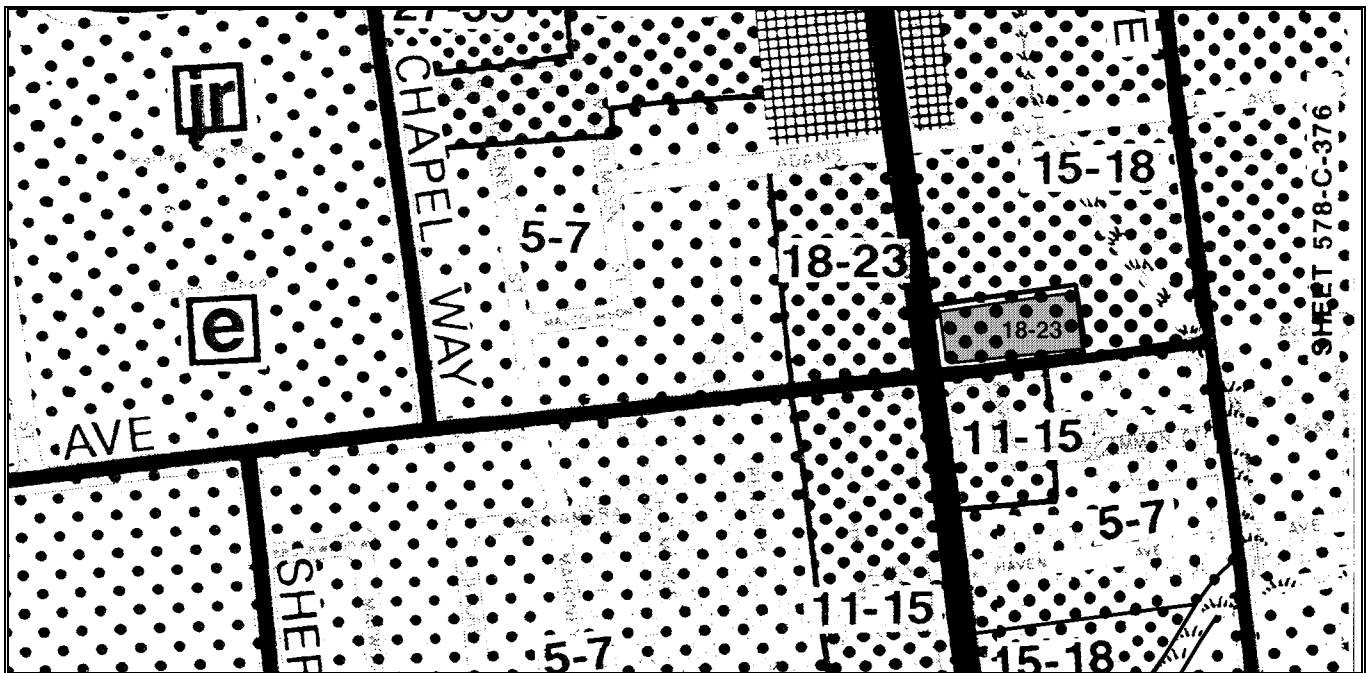
Recommended Actions:

1. Hold public hearing.
2. Recommend the City Council find the previous initial study has evaluated the potential for this project to cause an adverse effect – either individually or cumulatively – on wildlife resources, and no new impacts have been identified. There is no evidence the proposed project would have any potential for adverse effect on wildlife resources.
3. Find PLN2003-00018 is in conformance with the relevant provisions contained in the City's existing General Plan. These provisions include the designations, goals and policies set forth in the General Plan's Land Use, Housing Chapters as enumerated within the staff report.
4. Recommend PLN2003-00018 to the City Council in conformance with Exhibit "A" (Site, Architecture, Landscape Plans), Exhibit "B" (Rezoning Exhibit), Exhibit "C" (Planned District Findings and Conditions of Approval).

Existing Zoning
Shaded Area represents the Project Site



Existing General Plan



**EXHIBIT "C" of PLN2003-00018
Carol Commons**

FINDINGS

- a. The proposed "P" district, or a given unit thereof, can be substantially completed within four years of the establishment of the "P" district.
- b. Each individual unit of development, as well as the total development can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that such objective will be attained; that the uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which could not be achieved under another zoning district. The proposed residential land use is consistent with the General Plan designation. The applicant has incorporated many features including significant landscaping and hardscaping designs, high quality design and construction for the residential units, and an affordable housing component. Staff believes that the project will have a beneficial effect that could not be achieved under the standard R-G zoning district.
- c. The streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic, and increased densities will not generate traffic in such amounts as to overload the street network outside the "P" district. The increased traffic from twenty residential units was determined by the City's Traffic Division staff not to be a substantial increase for Carol Avenue or Fremont Boulevard. The City is currently planning to install complete street improvements along the Fremont Boulevard project frontage while the applicant will be responsible for the Carol Avenue project frontage. Overall traffic flow and circulation should be improved.
- d. That any proposed commercial development can be justified at the locations proposed to provide for adequate commercial facilities of the types proposed. The proposed project is a residential project, and this finding is not applicable.
- e. That any exception from standard ordinance requirements is warranted by the design and amenities incorporated in the precise site plan, in accord with adopted policy of the Planning Commission and City Council. Through the Planned District process, the applicant is requesting approval of modifications to the Zoning Ordinance. As discussed previously, the applicant has incorporated many features that warrant an exception to the standard ordinance requirements.
- f. The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development. The area surrounding the development is fully developed or could be developed in substantial compatibility with the proposed project.
- g. The "P" district is in conformance with the General Plan. The project conforms to the General Plan density, as well as the goals and policies of the Land Use and Housing Chapters.
- h. That existing or proposed utility services are adequate for the population densities proposed. The site is well served by utilities. None of the responsible utility companies have stated they will be unable to provide the required services to the site.

CONDITIONS

General Conditions

- A-1 The project shall conform to staff amended Exhibit "A" (Site, Architecture, and Landscape Plans), Exhibit "D" (Color and Material Sample Board), and all conditions of approval set forth herein. The maximum number of units shall not exceed 20 units, and shall be generally distributed as shown in Exhibit "B".

- A-2 Plans shall be submitted to the Development Organization for review and approval to ensure conformance with relevant codes, policies, and other requirements of the Fremont Municipal Code.
- A-3 Minor modifications to the approved building designs, elevations and colors may be made, subject to review and approval of the Assistant City Manager or his/her designee if such modifications are in keeping with the architectural statement of the original approval. However, the Assistant City Manager shall retain the authority to determine the level of review required, including a Planning Commission review.
- A-4 The project shall be subject to all Citywide development impact fees. These fees may include, but are not limited to, fees for fire protection, park dedication, park facilities, capital facilities and traffic impact. The fees shall be calculated at the fee rate in effect at the time of building permit issuance.
- A-5 All provisions of the Mitigated Negative Declaration are incorporated into these conditions of approval. These provisions include:

MITIGATION MEASURES INCLUDED IN THE PROJECT TO AVOID POTENTIALLY SIGNIFICANT IMPACTS:

Aesthetics – Mitigation: To ensure that there are no impacts to adjacent properties, on-site light fixture design, height, intensity and direction shall be designed and oriented to ensure that there is no creation of glare or spilling of light beyond property boundaries. This shall include the use of low-intensity lights that are placed at the edges of the site and oriented inwards. Lights shall be further screened inward, as necessary, and they shall be designed to meet the minimal required foot-candle intensity for the site. Implementation of this mitigation measure will reduce the identified impact to a non-significant level.

Air Quality – Mitigation: To mitigate the identified air quality impacts of grading and construction, the following mitigation measures will be incorporated into the project:

1. Comply with the dust suppression measures set forth in the soil remediation plan approved by the County;
2. Dust generated on the project site shall be controlled by watering all exposed areas at least twice daily during excavation, and especially during clearing and grading operations. Additional watering on windy or hot days is required to reduce dust emissions;
3. Cover stockpiles of sand, soil and similar materials with a tarp. Cover trucks hauling dirt or debris to avoid spillage;
4. Paving shall be completed as soon as is practicable to reduce the time that bare surfaces and soils are exposed. In areas where construction is delayed for an extended period of time, the ground shall be revegetated to minimize the generation of dust;
5. Designate a person to oversee the implementation of the dust control program.
6. During construction, streets adjacent to the project site that are used by construction vehicles shall be swept periodically to reduce dust. Implementation of the above-stated mitigation measures will reduce the identified air quality impacts to a non-significant level.

Biological Resources - Mitigation: To mitigate the identified potential impacts of grading and construction, the following mitigation measures will be incorporated into the project:

1. The applicant will be required to have a professional wildlife biologist conduct a burrowing owl survey of the project site to investigate biological resources of significance at the site planning and

architectural review stage, or 30 days prior to grading. The survey should follow the Guidelines prescribed by the resource agency.

2. If the protocol survey is completed no more than 30 days prior to grading/ground disturbance activity, no further surveying will be required. Otherwise, a separate pre-construction survey for burrowing owls is required no more than 30 days prior to any grading or ground disturbance to determine the presence of owls. The Assistant City Manager or designee shall approve the survey results.

Cultural Resources – Mitigation: Should any human remains or historical or unique archaeological resources be discovered during site development work, the provisions of CEQA Guidelines, Section 15064.5 (e) and (f) will be followed to reduce impacts to a non-significant level.

Geology & Soils – The following mitigation measures will be incorporated into the project:

1. A geotechnical study shall be prepared by the applicant at the building permit review stage. The study will ensure that the structures are built to minimize potential seismic safety issues as much as possible. Typical recommendations in such a study include the importation of non-expansive fill soil for the building pads, increased foundation trenching depths done relative to a non-expansive site, and appropriate surface soil compaction.
2. All structures will conform to the appropriate sections of the Uniform Building Code.
3. Any contaminated or suspect soil excavated for site development purposes will need to be tested prior to reusing or removing soil from the site.
4. The grading and soils will be reviewed for conformance with the Grading Ordinance of the Fremont Municipal Code at the Development Organization review stage
5. Implementation of appropriate erosion control measures during construction will minimize the amount of sedimentation leaving the project site and reduce the significance of such erosion.

Hazards and Hazardous Materials – To mitigate the identified impacts, the following mitigation measures will be incorporated into the project:

1. Any contaminated or suspect soil excavated from site development purposes will need to be tested prior to reusing or removing the soil from the site.
2. The project will also require site approval, during development, to ensure that the design layout and construction of buildings will not interfere with any emergency response plans or emergency evacuation plans or a health hazard.

Hydrology and Water Quality – Mitigation: Standard water pollution and erosion control measures following Best Management Practices will be implemented to prevent runoff and sedimentation from entering the channel. Emphasizing storm water Best Management Practices (BMP) intends to achieve compliance with the goals of the Alameda Countywide Clean Water Program (ACCWP), in conformance with the Federal National Pollutant Discharge Elimination System (NPDES) program established by the Clean Water Act.

Noise – Mitigations measures include the following:

1. The construction of a five-foot solid barrier is required around the perimeter of the porches of Units 1 and 11 to provide a 4 dBA of noise reduction and would yield exterior levels of 65 dBA L_{dn} .

2. To meet the interior noise level requirements established by the City of Fremont and Title 24, Part 2 of the State Building Code, units 1 and 11 through 20 should be designed to provide adequate forced-air mechanical ventilation to provide “a habitable interior environment”, allowing the occupants the option of controlling noise by keeping their windows closed. A report shall be submitted before the issuance of building permits identifying the noise insulation measures incorporated in the project=s design to maintain interior noise levels at or below 45 dBA L_{dn} . Preliminary calculations indicate that windows with an STC rating of 29 or better will suffice, but this would be confirmed based on the final architectural plans.

Public Services – Mitigation: The applicant shall pay all applicable school impact fees, including those fees required by the Quimby Act.

Site Planning

- B-1 The parking configurations and dimensions shall conform to the City’s standards and Ordinances and shall be reviewed as part of the Development Organization review process. The parking garages and carports shall be reserved for car parking and shall not be used for storage.
- B-2 The street lighting illumination level for the private vehicle access ways shall meet public roadway standards.
- B-3 Lighting associated with the project area shall be subject to staff review and approval during the Development Organization review process, and shall be of a pedestrian scale, and residential and decorative nature.
- B-4 The final siting of the trash enclosure and design shall be subject to staff review and approval during the Development Organization review process.
- B-5 All mechanical equipment, such as backflow preventers and A/C units, shall also be located so as not to be visible from any public or private right-of-way, subject to staff review and approval.
- B-6 Final wall details shall be required prior to approval of the tentative map. Walls shall also be designed so as not to create unused spaces between the wall and any adjoining fences or structures.

Building Design

- C-1 All mechanical equipment (i.e. air conditioning units or similar) shall be screened from view from adjacent public and private rights-of-way, on-site parking, and neighboring residential properties.
- C-2 Final building design, colors and materials shall be consistent with Exhibit “B” (Site, Architecture, Grading, and Landscape Plans) and Exhibit “D” (Color and Material Sample Board), subject to staff review and approval during Development Organization review. The applicant shall work with staff on defining architectural details and materials, and on the final choice of colors.
- C-3 Raised trim shall be provided at all exterior windows and doors, subject to staff review and approval. The trim shall be natural wood or painted wood, and shall not be stucco or stucco-covered foam.
- C-4 Applicant will work with staff on the proposed garage door design during the DO process.

Landscaping

- D-1 Branches from mature trees may not overhang buildings and roofs. Adequate space to plant trees adjacent to buildings or other built features must be provided in the following minimum ways:
- a) Small trees (to 15 feet tall) no closer than 6 feet from building or 2 feet from paving, curbs, or walls with a minimum planting area 5 feet wide.
 - b) Medium trees (to 30 feet tall) no closer than 10 feet from building or 3 feet from paving, curbs, or walls with a minimum planting area 6 feet wide.
 - c) Large trees (above 30 feet tall) no closer than 15 feet from building or 3 feet from paving, curbs, or walls with a minimum planting area 6 feet wide, preferably 8 feet wide.
- D-2 All planting areas containing trees shall be free of all Utility Structures (including light standards) and other built features consistent with the spacing requirements under condition number three and City Standard Detail SD-34 City Standard Street Tree Clearances.
- D-3 A landscape plan shall be submitted to the Development Organization or the with Final Map Improvement Plans, or both, as directed by the City Landscape Architect, for review and approval, indicating full details regarding (1) paving materials and textures of walkways and paved pedestrian areas, (2) lighting of walkways and pedestrian areas with low intensity non-glare type fixtures, (3) screening of driveways and parking areas, and (4) landscaping of site and open areas. As part of the landscape plans the applicant shall submit:
- a. An underground irrigation plan.
 - b. Weed control specifications.
 - c. A lighting plan for the illumination of the building, pedestrian and parking areas. Type of lighting fixtures, their heights, intensity and direction shall be clearly indicated.
 - d. Construction details of raised planters, walkways, paths, benches, walls, fences, trellised, and other architectural features as appropriate to the project.
- D-4 All provisions of the City of Fremont Landscape Development Requirements and Policies (LDRP) shall apply to this project unless otherwise approved by the City Landscape Architect. Current copy of the LDRP available at the Engineering Counter shall prevail.
- D-5 The applicant shall work with staff during the Improvement Plan Review to ensure type and location of plant material within Bio-swales is appropriate and in compliance with NPDES standards.

Engineering Conditions

- E-1 A tentative tract map application and preliminary grading plan application shall be submitted for Planning Commission review and approval, and may be subject to modifications at the time of review. The Planned District is for the development of 20 condominium units. The tentative tract map will clearly state that the subdivision is for condominium purposes.
- E-2 The Developer shall dedicate right-of-way and install complete street improvements for the public streets surrounding the project site: Fremont Boulevard and Carol Avenue. The following are the minimum dedication and street improvement requirements for these public streets.

- a. Fremont Boulevard is a major thoroughfare. Right-of-way dedication is not required along the project frontage. The majority of street improvements are planned as part of a public works project for which a contract has been awarded. Other than minor encroachments for utility connections, no other required improvements are anticipated. However, if the City's project is delayed or cancelled, the developer shall install complete street improvements up to the centerline of Fremont Boulevard. Street improvements include, but are not limited to: installation of sidewalk, landscape, irrigation, streetlights, fire hydrants, and storm drain facilities; and relocation of existing utilities.
 - b. Carol Avenue is a residential collector street. The developer shall dedicate right-of-way and install complete street improvements up to the centerline of Carol Avenue. Street improvements include, but are not limited to: installation of pavement, curb, gutter, landscape, irrigation, streetlights, fire hydrants, storm drain facilities; and relocation of existing utilities.
- E-3 The Developer shall install off-site drainage improvements in Carol Avenue, which will connect to the required street improvements along the project frontage. The required improvements shall include, but are not limited to, installation of a curb inlet, manhole, and storm drain pipe. The cost for the off-site drainage improvement may be used as a credit towards the required off-site amenity fees.
- E-4 The tentative tract map application shall include full-width, scaled cross sections of both Fremont Boulevard and Carol Avenue.
- E-5 The developer shall dedicate a minimum six-foot wide private service easement along the Carol Avenue frontage of the project site.
- E-6 Details of the proposed bio-swale, which demonstrate that the swale will function with the proposed landscape plan, shall be provided with the preliminary grading plan application. If significant revisions to the landscape plan are required to allow the bio-swale to properly function, a revised landscape plan shall be brought for Planning Commission review, concurrently with the preliminary grading plan.
- E-7 The developer shall comply with the City's Urban Runoff Clean Water Program in accordance with the NPDES requirements issued by the State's Water Quality Control Board.
- E-8 The property owner is responsible for litter control and for sweeping of all paved surfaces. Sidewalks, parking lots, and other paved areas must be swept regularly to prevent the accumulation of litter and debris. If pressure washed, debris must be trapped and collected to prevent entry into the storm drain system. No cleaning agent may be discharged to the storm drain.
- E-9 All public and private storm drain inlets are to be stenciled "No Dumping – Drains to Bay" using stencils purchased from the Alameda County Urban Runoff Clean Water Program at 951 Turner Court, Hayward, California. Color and type of paint to be as approved by the City Engineer.
- E-10 All on site storm drains are to be cleaned prior to building occupancy and also be cleaned each year immediately before the beginning of the rainy season (October 15). The City Engineer may require additional cleaning.
- E-11 All landscaping shall be properly maintained and shall be designed with efficient irrigation practices to reduce runoff, promote surface filtration, and minimize the use of fertilizers and pesticides, which can contribute to runoff pollution.
- E-12 The developer and project civil engineer shall work with staff to incorporate, into the design, additional storm water best management practices (BMPs) to treat storm water runoff before it is discharged into the public storm drain system. Examples of potential storm water BMPs include bio-swales, micro-detention ponds, and permeable pavement. Details of the storm water BMPs shall be included with the preliminary grading plan application.

- E-13 A structural control, such as a drop-in inlet filter or other approved equal, is to be installed within paved areas on site to intercept spills and pretreat storm water prior to discharge to the public storm drain. The design, location, maintenance schedule and maintenance responsibility are subject to staff approval during Development Organization review.

During Construction/ Grading

- F-1 The applicant shall notify Planning staff of the construction schedule. At the time of installation of framing and prior to stucco/siding, the applicant or a representative of the applicant, shall request an on-site inspection by the project planner, to ensure compliance with the architectural detailing of the residences.

- F-2 Construction activities shall be limited to the following hours of operation:

7 a.m. to 6 p.m. Monday through Friday
9 a.m. to 6 p.m. Saturday

Failure to comply with the above-described hours of operation may result in the suspension of building inspections.

Fire Department Conditions

The applicant shall meet all requirements in the 2001 California Fire Code and all local amendments to that code in Ordinance #2485.

- G-1 The applicant shall install an automatic fire sprinkler system in the building for fire protection purposes. Waterflow and control valves must be monitored by a central alarm monitoring system and Central Station. The monitoring system shall have a smoke detector placed over the fire panel, a pull station, and an audible device located in a normally occupied location.
- G-2 Plan, specifications, equipment lists and calculations for the required sprinkler system must be submitted to the Fremont Fire Department Authority and Building Department for review and approval prior to installation. A separate plan review fee is required. Standard Required: N.F.P.A. 13
- G-3 Automatic fire suppression systems in all group R-1 occupancies shall have Residential or quick response standard sprinkler heads in dwelling or guest portions of the building. The sprinkler system shall provide protection to at least all of the following areas garages, carports, bathrooms, concealed spaces, water heater closets, laundry rooms attic spaces, under walks, or overhangs, balconies or deck greater than four feet in depth, and floor landings if wholly or partial enclosed, or other areas as required.
- G-4 The applicant shall install a wet standpipe system if the building is 3 or more stories. The system may be in combination with the fire sprinkler system This will be required for underground parking only.
- G-5 All Automatic Fire Suppression Systems Fire Department Connections shall have the following installed/provided
- a) Address placard installed at the connection.
 - b) Knox Cap installed on every inlet.
- G-6 Prior to installation, plans and specifications for the underground fire service line must be submitted to the Fremont Fire Authority and Building Department for review and approval. Please include cathodic

protection or soils report stating why protection is not required. Standard Required: N.F.P.A. 24 and N.F.P.A 14

- G-7 The applicant shall provide the Fremont Fire Department with a site plan/ Civil Utility Plan for approval of public and on-site fire hydrant locations. The applicant shall remove fire hydrant on north side of property and relocate it on Carol Ave 200 feet west of proposed hydrant.
- G-8 The applicant shall comply with Fremont code requirements for installation of fire retardant roof coverings.
- G-9 The applicant shall install Fire alarm system as required. The system must be monitored. The system must be N.F.P.A. 72 compliant and have an interior audible device per the C.F.C. Upon completion a "UL" serial numbered certificate shall be provided at no cost to the City of Fremont Fire and Life Safety Inspector. Fire alarm systems devices shall be addressable and report to the Central Monitoring Station addressable.
- G-10 Address must always be visible from Public Street.
- G-11 Any/all new street names and addressing shall be approved by the Fire Department.

Environmental Services, Construction and demolition (C & D) debris management:

- H-1 The applicant is to follow the Waste Handling Requirements document, which contains specific information about layout and construction of trash enclosures.
- H-2 Environmental Services Division will review the demolition and construction permit applications before permits are issued.
- H-3 Applicant must complete and file a Project Waste Management Plan with the Environmental Services Division prior to beginning any demolition or construction.
- H-4 After completing the project, the applicant must document actual salvage and diversion by filling in and returning the Post-Project Waste Disposal & Diversion report to Environmental Services.

EXHIBIT "B"

Attached to and made a part of

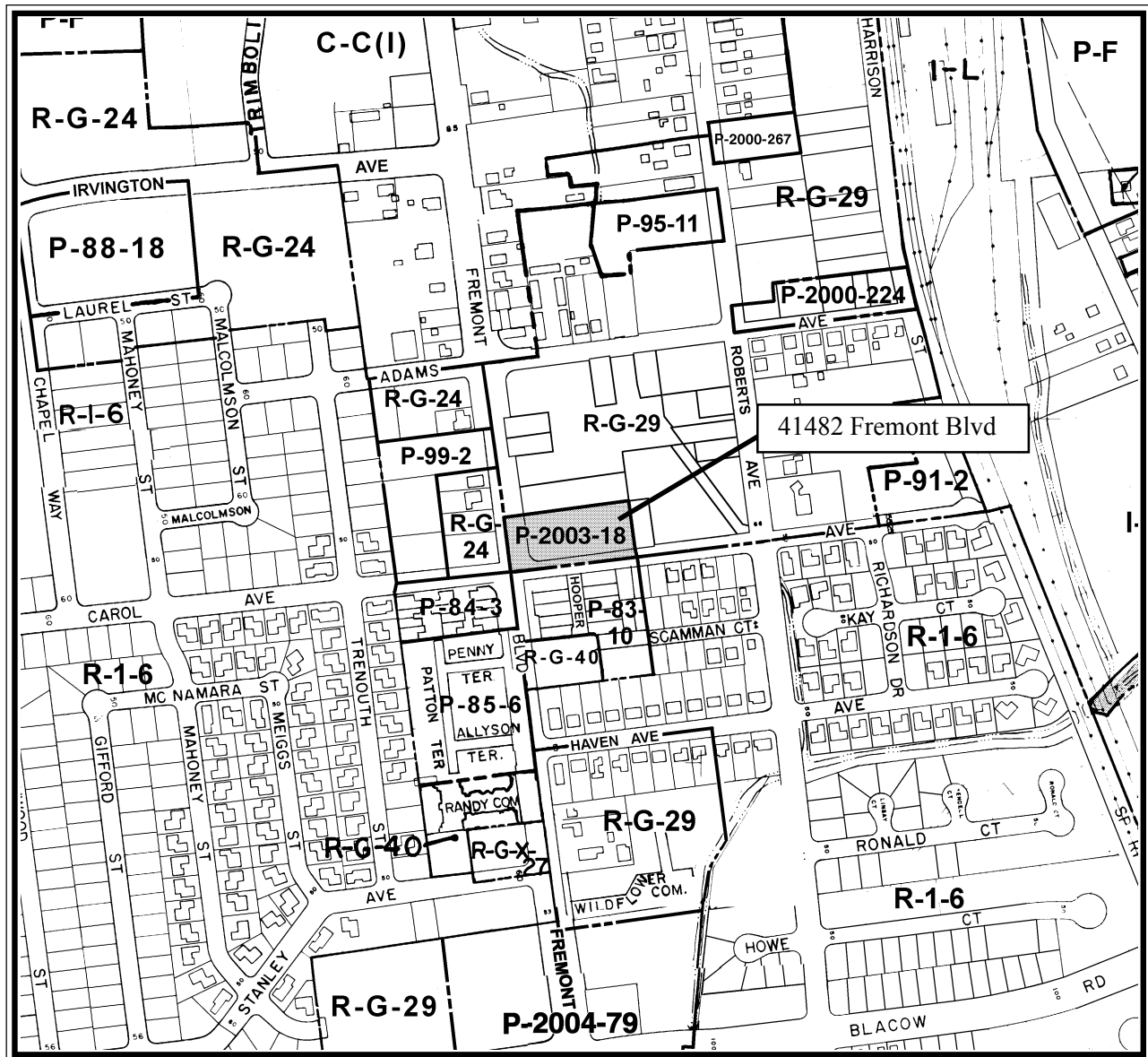
Ordinance No. _____

adopted by the City Council of the City of Fremont, California

On the _____ **day of** _____, **20**04**.**

ZONING MAP (SECTION)

AFFECTS ZONING MAP(S) FOR THE IRVINGTON PLANNING AREA



From: R-G-29

To: P-2003-18

[pc on 02-12-04] 72-376, 78-376

Project Name: Carol Commons

Project Number: PLN2003-00018 (pd)

NM